

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SONNIEL R. GIDARISINGH,

Plaintiff,

v.

Case No. 04-C-38

GARY R. MCCAUGHTRY, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION
REQUESTING APPEARANCE AND WITNESSES IN COURT (DOC. #283)**

This case is scheduled for a January 24, 2011, hearing on several motions filed by the plaintiff (Docket Nos. 273 and 277). These motions are related to the alleged inadvertent destruction of plaintiff's boxes of legal files pertaining to this case, the replacement of those materials by the defendants, and access to those materials so that plaintiff may proceed on a Rule 60(b) motion. Also, before the court is plaintiff's motion requesting his appearance and the appearance of his witnesses at the hearing.

It is well settled that plaintiff prisoners do not have a constitutional right to be present physically at a jury trial respecting their civil rights claims. *See Thornton v. Snyder*, 428 F.3d 690, 697 (7th Cir. 2005). "[R]ather, the district court has discretion to determine whether a prison inmate can attend court proceedings in connection with an action initiated by the inmate." *Id.* at 697. In assessing an inmate's request to attend a civil action, "the trial court must weigh the interest of the plaintiff in presenting his testimony in person against the interest of the state in maintaining the confinement of the plaintiff-prisoner." *Id.*

In this case, plaintiff seeks to appear in person for a hearing to resolve several motion, not for a jury trial. (The court notes that plaintiff did appear in person for his bench trial in this case.) However, the court has already determined that plaintiff may appear by video-conference and arrangements have been made for such appearance. Moreover, the court is not convinced that the plaintiff requires witnesses to resolve the matters presented in his motions based on the plaintiff's representations concerning the testimony he would seek from inmates Edward Jackson and Derek M. Williams. Therefore,

IT IS ORDERED that plaintiff's motion requesting his appearance and witnesses at hearing (Docket #283) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 21st day of January, 2011.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
Chief U.S. District Judge